

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	08 CR. 0660 (VM)
	:	
- against -	:	<u>ORDER</u>
	:	
KAREEM HOLMES,	:	
	:	
Defendant.	:	
-----	X	

VICTOR MARRERO, United States District Judge.

The Government (see attached letter) requests the exclusion of time until the next scheduled conference in this matter. The parties are directed to appear before the Court for a status conference on August 7, 2008 at 2:30 p.m.

All parties to this action consent to an exclusion of the adjourned time from the Speedy Trial Act until August 7, 2008

It is hereby ordered that the adjourned time shall be excluded from speedy trial calculations. This exclusion is designed to guarantee effectiveness of counsel and prevent any possible miscarriage of justice. The value of this exclusion outweighs the best interests of the defendants and the public to a speedy trial. This order of exclusion of time is made pursuant to 18 U.S.C. §§ 3161(h)(8)(B)(ii) & (iv).

SO ORDERED:

Dated: New York, New York
23 July 2008



Victor Marrero
U.S.D.J.

**U.S. Department of Justice**

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

July 23, 2008

BY FACSIMILE

The Honorable Victor Marrero
United States District Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 2510
New York, NY 10007

**Re: United States v. Kareem Holmes
08 Cr. 660 (VM)**

Dear Judge Marrero:

The defendant in the above-captioned case was arraigned on the Indictment before Magistrate Judge Frank Maas on Friday, July 18, 2008, after having been brought over from a state correctional facility on a Writ As Prosequendum. Your Honor has scheduled an initial conference in the case for this Friday, July 25, 2008, at 10:00 a.m. Because the defendant is now seeking to be released from state custody - he previously could not meet his bail conditions in state court although he has been able to meet his bail conditions set by the Magistrate Judge on the federal charges in the present case - he needs to be sent back to the state correctional facility for that purpose. Accordingly, the United States Marshal's Service is transporting the defendants back to Rikers tomorrow, July 24, 2008.

In view of the above-events, the parties jointly request that the defendant's initial conference before Your Honor be adjourned until August 7, 2008 at 2:30 p.m. In addition, the Government respectfully requests that the Court exclude time pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161 et seq., in the interests of justice, until the initial conference. The exclusion of time will enable the Government to produce, and the defendant to review, discovery. It will also allow the parties

The Honorable Victor Marrero
July 23, 2008
Page 2

to continue their discussions about a possible disposition in the case. Defense counsel has consented to the exclusion of time. Please find enclosed a proposed order for the exclusion of time.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

By: 

Antonia M. Apps
Assistant United States Attorney
(212) 637-2198 (phone)
(212) 637-2387 (fax)

cc: Sabrina Shroff, Esq. (counsel for Kareem Holmes)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA :

-v- : ORDER

KAREEM HOLMES : 08 Cr. 660 (VM)

Defendant. :

- - - - -X

Upon the application of the Government, by and through Assistant United States Attorney Antonia M. Apps, and with the consent of KAREEM HOLMES, by and through Sabrina Shroff, it is hereby ORDERED that the initial conference in this case is adjourned from July 25, 2008 to August 7, 2008.

The court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and the defendant in a speedy trial, because it will allow the Government to produce, and the defendant to review, discovery, and it will permit the parties to continue ongoing plea discussions. Accordingly, it is further ORDERED that the time between July 25, 2008 and August 7, 2008 is hereby excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), in the interests of justice.

Dated: New York, New York
July __, 2008

VICTOR MARRERO
UNITED STATES DISTRICT JUDGE

FACSIMILE COVER SHEET

U.S. ATTORNEY'S OFFICE, S.D.N.Y.
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No. pages (including cover sheet): 6

Date sent: July 23, 2008

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To: The Hon. Victor Marrero
(212) 805 6382

cc: Sabrina Shroff (212) 571 0392

Re: *United States v. Kareem Holmes*, 08 Cr. 660 (VM)

Message: